

Regular Session, 2010

SENATE BILL NO. 577

BY SENATOR CLAITOR

PROBATION/PAROLE. Provides that in petitions for judicial review of administrative decisions of the Board of Parole the only proper defendant is the board. (8/15/10)

AN ACT

To amend and reenact R.S. 15:574.11(D), relative to judicial review of certain administrative decisions; to provide that the Board of Parole is the only proper defendant in petitions for judicial review of administrative decisions by the board; and to provide for related matters.

Be it enacted by the Legislature of Louisiana:

Section 1. R.S. 15:574.11(D) is hereby amended and reenacted to read as follows:

§574.11. Finality of board determinations; venue; jurisdiction and procedure; preemptive period; service of process

\* \* \*

D. Petitions for review that allege a denial of a revocation hearing under the provisions of R.S. 15:574.9 shall be subject to a preemptive period of ninety days after the date of revocation by the Board of Parole. When revocation is based upon the conviction of a new felony while on parole, the ninety-day preemptive period shall commence on the date of final judgment of the new felony. Petitions for review filed after this preemptive period shall be dismissed with prejudice. Service of process of petitions for review shall be made upon the chairman of the Board of

1 Parole or his designee. **The only proper party defendant in an action under this**  
2 **Section shall be the Board of Parole.**

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The original instrument and the following digest, which constitutes no part  
of the legislative instrument, were prepared by Heyward Jeffers.

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#### DIGEST

Present law provides that parole is an administrative device for the rehabilitation of prisoners under supervised freedom.

Present law provides that venue in any action by an individual committed to the Department of Public Safety and Corrections contesting an action by the Board of Parole shall be East Baton Rouge.

Present law provides that the district court shall have appellate jurisdiction over pleadings alleging a violation of the parole process by the board.

Present law provides that petitions filed to review a denial of a revocation hearing by the board shall be subject to a peremptive period of 90 days after the conviction of a new felony while on parole.

Proposed law provides that the only proper party defendant in an action contesting revocation of parole shall be the board.

Effective August 15, 2010.

(Amends R.S. 15:574.11(D))